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Message Text

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14
ACTION SCS-03

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FM AMEMBASSY MADRID
TO SECSTATE WASHDC PRIORITY 1530
INFO AMEMBASSY ANKARA
AMEMBASSY COPENHAGEN

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E.O. 11652: N/A
TAGS: CASC DA
SUBJECT: BILATERAL AGREEMENT FOR REPATRIATION OF
FOREIGN NATIONAL PRISONERS TO COMPLETE
SENTENCING IN THEIR OWN COUNTRIES

REF A. COPENHAGEN 933 B. MADRID 1961 C. ANKARA 2380

1. EMBASSY OFFICER HAD FURTHER CONVERSATION WITH OFFICIALS MINISTRY OF JUSTICE (EDUARDO TORRES DULCE RUIS, DIRECTOR GENERAL AND MR. FRANCISCO BUENO, JURISDICTIONAL AFFARIS) REGARDING THE CONVENTION ON THE EXECUTION OF JUDGEMENTS BETWEEN SPAIN AND DENMARK. SPAIN HAS NO SIMILAR CONVENTION OR ACCORD WITH ANY OTHER COUNTRY. THE GOVT OF SWEDEN EXPRESSED INTEREST IN A SIMILAR CONVENTION WITH SPAIN APPROXIMATELY A YEAR AGO, BUT LITTLE HAS HAPPENED SINCE THAT TIME AND SPANISH AUTHORITIES REGARD THIS AS MERELY AN EXPLORATORY MATTER.

2. AUTHORITIES SAID THAT THEY HAD BEEN APPROACHED BY THE DANES TO REQUEST THE GOVERNMENT OF DENMARK TO TAKE BACK A NUMBER OF DANISH NATIONALS IN SPANISH JAILS WHO HAVE BEEN SENTENCED ON DRUG CHARGES. THE NUMBER GIVEN WAS FIVE. THERE ARE OTHER DANES JAILED HERE, BUT WOULD NOT ACCORDING TO THE TREATY BE ELIGIBLE, EITHER BECAUSE THEY HAVE NOT BEEN SENTENCED OR BECAUSE THEY HAVE ALREADY
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AVAILED THEMSELVES OF SPANISH LAW BY EITHER REQUESTING

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APPEALS OR PARDONS, AND THE COURTS HAVE NOT COMPLETED ACTION IN THEIR CASES.

3. ALL OF THE ELIGIBLE DANES CONCERNED ARE SERVING SENTENCES FOR CONVICTION ON DRUG CHARGES. NO ACTION HAS BEEN TAKEN ON THE CASES EXCEPT EXAMINATION BY THE MINISTRY OF JUSTICE TO DETERMINE WHETHER THEY WISH TO INVOKE THE CONVENTION. THERE IS, HOWEVER, STRONG FEELING WITHIN THE SPANISH COURTS THAT GIVEN THE GENERALLY MINOR SENTENCES WHICH ARE GIVEN BY DANISH COURTS IN DRUG CASES, AS OPPOSED TO THE RELATIVELY STIFF SENTENCES RECEIVED BY THE DANES IN SPAIN, THE RETURNED DANES WOULD SOMEHOW MANAGE TO BE RELEASED SHORTLY AFTER THEIR RETURN TO DENMARK, DESPITE WHATEVER ASSURANCES MIGHT BE GIVEN THE COURTS HERE. SPANISH AUTHORITIES ADDED THAT THERE ARE TOO MANY DIFFERENCES BETWEEN THEIR LAW AND DANISH LAW, PARTICULARLY IN AREA OF CRIMINAL CHARGE OF DRUG TRAFFICKING. AS MENTIONED EARLIER, THREE COURTS ARE GENERALLY INVOLVED IN DRUG CASES AND THE RECOGNITION OF THE SEPARATE JURISDICTION OF THESE COURTS HAD APPARENTLY NOT BEEN FULLY CONSIDERED AND HAS CAUSED SOME INTERNAL DISSENT WITHIN JUSTICE, SOME OF WHOSE MEMBERS SUPPORT THE THEORY THAT THE CONVENTION MAY EVEN VIOLATE SPANISH SOVEREIGNTY.

4. AS THERE ARE NO KNWON SPANISH NATIONALS IN DANISH JAILS, THE TREATY HAS LITTLE IMPACT IN SPAIN IN THIS REGARD. IT DOES APPEAR, HOWEVER, THAT AT LEAST WITHIN THE SPANISH COURTS THE CONVENTION IS REGARDED AS UNPOPULAR AT THIS TIME. WHILE IT MAY BE INVOKED AT SOME POINT IN THE NEAR FUTURE, IT WILL BE A LONG TIME BEFORE THE DANES NOW IN SPANISH PRISONS RETURN TO DANISH JURISDICTION TO COMPLETE THEIR SENTENCES. STABLER

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